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RUEAHLG/DEPT OF HOMELAND SECURITY WASHDC
RUEPWJF/HQ BICE WASHINGTON DC
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SENSITIVE
SIPDIS

DEPT FOR CA/FPP AND CA/VO/L/A; DHS FOR USCIS FDNS AND ICE FDL; POSTS
FOR FRAUD PREVENTION MANAGERS; ATHENS/ROME FOR DHS/ICE, DHS/CBP, AND
DHS/CIS ATTACHES

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TAGS: [CVIS](#) [KFRD](#) [PTER](#) [KWBG](#) [KPAL](#) [IS](#)

SUBJECT: LOVE AND MARRIAGE: A PALESTINIAN MARRIAGE AND BENEFIT
FRAUD PRIMER

REF: 09 Jerusalem 1804

INTRODUCTION

1. (U) The single most pernicious pattern of fraud encountered by Post is marriage and benefit fraud employed by Palestinian men. Under the pattern, individuals exploit certain aspects of Sharia Law or use fraudulent divorce certificates to engage in sham divorces and then marry Americans solely for immigration benefit. Over the past two years, Post has investigated numerous aspects of this fraud pattern, and in doing so developed an extensive network of civil and religious authority contacts throughout the West Bank, Gaza, and Jerusalem. Post has revoked hundreds of immigrant visa cases due to relationship fraud and confirmed marriage and benefit fraud for USCIS through overseas verification requests. In one such case, this fraud avenue was exploited by a convicted drug trafficker to escape incarceration. This telegram explains how marriage and relationship fraud manifests, and how Posts and USCIS can investigate and counter this fraud.

AN INSTITUTE YOU CAN'T DISPARAGE

2. (U) Marriage and divorce in Israel, Jerusalem, the West Bank, and Gaza are under the purview of religious courts (primarily Sharia Courts, Ecclesiastical Courts, and Rabbinical courts). There are 45 regular Sharia Courts in the West Bank and Gaza, each covering a discrete geographical area. In the West Bank, divorce is relatively uncommon. According to the Palestinian Central Bureau of Statistics 2009 Statistical Atlas of Palestine, 52.4 percent of Palestinians in the West Bank and 50.7 in Gaza are married, while only 0.6 percent in both the West Bank and Gaza are divorced.

TRY, TRY, TRY TO SEPARATE THEM, IT'S AN ILLUSION

3. (U) The marriage and relationship fraud pattern manifests in a relatively repetitive fashion. A Palestinian man applies for a non-immigrant visa (NIV), and in addition to other aspects of his life, cites his marriage and children as evidence on his strong ties

to overcome 214(b). After being issued the NIV but before traveling to the United States, the man and his wife visit a Sharia Court and divorce. They then remarry a short time later (in some cases the same day). NOTE: In most cases, the wife appears to be a witting and willing participant in the scheme. When a couple divorces in Israel or the Palestinian Territories, they are obligated to register their divorce with civil authorities, namely, the Ministry of Interior, MOI. Their marital status is then updated on their identification cards. Divorced women, depending on a number of factors, can receive significant social benefits in both Israel and the Palestinian Territories, but they must first register the divorce with the MOI. In most cases that match this fraud pattern, despite the paper divorce, the man and wife fail to register their divorce with civil authorities. Meanwhile, Sharia Law in the West Bank and Gaza allows a man to marry up to four women concurrently, and polygamy is culturally acceptable in villages and conservative communities, such as Hebron. Israeli law does not allow polygamy, but unregistered polygamous marriages do occur in some communities. END NOTE.

14. (U) After receiving both the NIV and divorce certificate, the man then travels to the United States, and shortly thereafter marries an American citizen (the petitioner), who either believes the relationship to be legitimate, or does so for recompense. The petitioner then files an I130 (immigrant petition) and I485 (adjustment of status) for the man, who then gains LPR status in the United States. In most cases, the petitioner concurrently files I130 (IR2) petitions for the children of the man, using the petitioner's marriage to the man as the basis of a stepparent-stepchild relationship with the children. In some cases, the man (now an LPR) files an I130 (F2B) petition for his children.

In other cases, the man waits until he becomes a naturalized American citizen, and, subsequent to divorcing the petitioner, "remarries" the Palestinian wife and files I130 (IR1 and IR2) petitions for her and their children. NOTE: In some cases, the man and his Palestinian wife were never divorced, as Sharia law allows for "revocable" divorces which become invalid if the couple reunites. In other cases, the man formally divorces and remarries his local wife. In a third set of cases, the man has never divorced his Palestinian wife and presents USCIS with a fraudulent divorce decree. In a final set of cases, the man never divorces but hides his initial marriage, and it is not until USCIS investigates the question of bigamy does he seek to divorce his wife through a backdated divorce decree. END NOTE.

15. (SBU) The latest trend in cases in which USCIS has issued a Notice of Intent to Revoke are retroactive divorces, in which the man (or his proxy) appears before a Sharia judge with witnesses (or their proxies) and swears to have divorced his local wife several years earlier (always before the U.S. marriage). The Assistant to the Supreme Sharia Judge in the West Bank recently affirmed to ConOff that his judges were aware of this scam being used to circumvent U.S. law, but themselves did not have a legal means to combat it. While such divorces are legal under Sharia jurisprudence, Post interprets the effective date of the divorce as the date the divorce was registered with the court, not the retroactive date. Such retroactive divorces are also a strong indicator of fraud.

ASK THE LOCAL GENTRY

16. (U) Post usually encounters and discovers this fraud at three common points: during review and investigation of IR2 stepchild cases (when the American wife is the petitioner); during NIV interviews of the Palestinian spouse (who often identifies herself as married on her NIV application); and during IR1 and IR2 applications benefiting the spouse and child after the now-petitioning husband's naturalization and divorce from his American wife.

17. (U) The first and best place to counter this fraud pattern is, of course, when the man applies for an NIV to visit the United States. As a result of Post's investigation into this marriage and relationship fraud pattern, Post's officers now actively look for NIV applications that show indications of this trend. However, in many such cases, the man does have strong family, economic and

social ties.

18. (U) The next best point to counter this pattern is when the petitioner files the I130 and I485 for the man. USCIS officers are encouraged to contact Post at jerusalemfpu@state.gov (with scans of the Arabic-language documents and the bio page of the man's Palestinian passport, if available) in IR1 adjustment of status cases in which the beneficiary is a Palestinian man who claims to be divorced. Other indicators that suggest an investigation are: a significant age discrepancies between the petitioner and man; CCD notes that indicate that the man was married when he applied for his NIV; a lack of common language or religion between the petitioner and man; indications that the man and his Palestinian wife married in a Sharia Court in one area of the West Bank (i.e. Nablus), and divorced in another (i.e. Hebron); or the petitioner filing a concurrent stepchild petition for the man's children.

AND THEY WILL SAY IT'S ELEMENTARY

19. (SBU) Post has close and extensive contacts among civil and religious authorities in Jerusalem, the West Bank and Gaza. Post can quickly verify the marital status of the man with the Palestinian Ministry of Interior if provided with the individual's name, date of birth, and local ID number (from the bio page of the Palestinian passport). Additionally, the Sharia Courts in the West

Bank are aware of this fraud pattern, and have demonstrated willingness to comb their files to determine whether a "divorced" couple has locally remarried, as well as to confirm the veracity of marriage and divorce certificates. Most checks can be completed within two weeks.

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